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Attorneys for Third-Party Defendant and Cross-Claimant  
SCOTTSDALE INSURANCE COMPANY

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

SIERRA BAY CONTRACTORS, INC., a  
California Corporation,

Plaintiff,

v.

WESTCHESTER SURPLUS LINES  
INSURANCE COMPANY, a Georgia corporation,  
and ROES 1 through 50, inclusive,

Defendants.

WESTCHESTER SURPLUS LINES INSURANCE  
COMPANY, a Georgia Corporation,

Third-Party Plaintiff,

v.

ASPEN SPECIALTY INSURANCE COMPANY,  
a North Dakota Corporation; CONTINENTAL  
CASUALTY INSURANCE COMPANY, an  
Illinois Corporation; GEMINI INSURANCE  
COMPANY, a Delaware Corporation; GREAT  
AMERICAN ASSURANCE COMPANY, an Ohio  
Corporation; GREAT AMERICAN INSURANCE  
COMPANY, an Ohio Corporation; INTERSTATE  
FIRE AND CASUALTY COMPANY, an Illinois  
Corporation; LEXINGTON INSURANCE  
COMPANY, a Delaware Corporation; LIBERTY

CASE NO. 3:10-CV-04611-RS

**STIPULATION AND ~~PROPOSED~~  
ORDER FOR DISMISSAL WITH  
PREJUDICE OF SCOTTSDALE  
INSURANCE COMPANY'S CROSS-  
CLAIM AGAINST LEXINGTON  
INSURANCE COMPANY, IN  
EXCHANGE FOR A WAIVER OF  
COSTS**

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SURPLUS INSURANCE CORPORATION, a  
New Hampshire Corporation; NIC INSURANCE  
COMPANY, a New York Corporation; OLD  
REPUBLIC GENERAL INSURANCE  
CORPORATION, an Illinois Corporation;  
TRANSCONTINENTAL INSURANCE  
COMPANY, an Illinois Corporation;  
SCOTTSDALE INSURANCE COMPANY, an  
Ohio Corporation; TRUCK INSURANCE  
EXCHANGE, a California Corporation;  
VIRGINIA SURETY COMPANY, an Illinois  
Corporation,

Third-Party Defendants.

SCOTTSDALE INSURANCE COMPANY, an  
Ohio Corporation,

Cross-Claimant,

v.

AMERICAN SAFETY INDEMNITY  
COMPANY an Oklahoma Corporation;  
NAVIGATORS SPECIALTY INSURANCE  
COMPANY, formally known as NIC Insurance  
Company, a New York Corporation; GEMINI  
INSURANCE COMPANY, a Delaware  
Corporation; LEXINGTON INSURANCE  
COMPANY, a Delaware Corporation; and ROES  
1 through 20, inclusive,

Cross-Defendants.

Pursuant to Federal Rule of Civil Procedure 41, third-party defendant and cross-claimant  
Scottsdale Insurance Company ("Scottsdale"), and cross-defendant Lexington Insurance Company  
("Lexington"), have agreed and hereby stipulate to the dismissal of Scottsdale's Cross-Claim  
against Lexington, with prejudice, subject to said parties' mutual waiver of costs.

**IT IS SO STIPULATED.**

Selman Breitman LLP  
ATTORNEYS AT LAW

1 DATED: December 20, 2012

SELMAN BREITMAN LLP

2  
3 By: 

Lisa M. Lampkin

4 Attorneys for Third-Party Defendant and Cross-  
5 Claimant Scottsdale Insurance Company

6 DATED: December , 2012

SELVIN WRAITH HALMAN LLP

7  
8 By: \_\_\_\_\_

David A. Evans

9 Attorneys for Cross-Defendant Lexington Insurance  
10 Company

11 **[PROPOSED] ORDER OF PARTIAL DISMISSAL**

12 Having reviewed the above stipulation, the Court orders that cross-defendant Lexington  
13 Insurance Company be dismissed, with prejudice, from Scottsdale Insurance Company's cross-  
14 claim, with each side to bear its own fees and costs.

15  
16 **PURSUANT TO STIPULATION, IT IS SO ORDERED.**

17  
18 Dated: \_\_\_\_\_

United States District Court  
District of Northern California

Selman Breitman LLP  
ATTORNEYS AT LAW

1 DATED: December 20, 2012

SELMAN BREITMAN LLP

2  
3 By: \_\_\_\_\_  
4 Lisa M. Lampkin  
5 Attorneys for Third-Party Defendant and Cross-  
6 Claimant Scottsdale Insurance Company

7 DATED: December 20, 2012

SELVIN WRAITH HALMAN LLP

8 By: David A. Evans  
9 David A. Evans  
10 Attorneys for Cross-Defendant Lexington Insurance  
11 Company

12 ~~PROPOSED~~ ORDER OF PARTIAL DISMISSAL

13 Having reviewed the above stipulation, the Court orders that cross-defendant Lexington  
14 Insurance Company be dismissed, with prejudice, from Scottsdale Insurance Company's cross-  
15 claim, with each side to bear its own fees and costs.

16 PURSUANT TO STIPULATION, IT IS SO ORDERED.

17 Dated: 12/21/12

18 Richard Selman  
19 United States District Court  
20 District of Northern California